

6. IMPLEMENTATION AND FINANCING

6.1 Regulatory Actions

Upon approval of the HCP and issuance of the ITP, the County will amend its Comprehensive Development Plan (Comp Plan) and Land Development Regulations (LDR) to codify the development guidelines described in this HCP. A Master Plan for Future Development of Big Pine Key and No Name Key, in preparation, will rule the rate of growth and development standards in the project area, in accordance with the guidelines described in this HCP. Sections of the Monroe County 2010 Comprehensive Plan that will be amended as a result of the HCP are listed in Appendix B. Pursuant to the 1998 MOU between the Applicants and technical agencies, the DCA and the County may enter into an agreement under Section 380.032, F.S., whereby the County may proceed with development activities in the HCP before amendments to the Comp Plan are completed.

6.1.1 Roles and Responsibilities

Monroe County will act on behalf of the Applicants in conducting the Plan's mitigation program and for all reporting activities under this HCP. In addition, Monroe County will be responsible for the following activities: approving development consistent with the covered activities in the HCP; maintaining a GIS database on the number, habitat type and location of development activities and mitigation actions including acquisition and management activities; funding or providing staff for biological monitoring and annual reporting activities; establishing and maintaining an annual budget and budget amendments for HCP adoption and implementation; and all other duties and responsibilities relating to the execution of the HCP. Moreover, the County will be responsible for ensuring that all mitigation activities are implemented concomitant with development activities. Finally, Monroe County will coordinate with the FDOT and DCA to ensure that the provisions of this HCP are met.

6.1.2 Implementation Schedule

Over the 20-year life of the ITP, Monroe County will authorize residential development at a steady rate to be determined in the Master Plan. Commercial development and local road improvements would also occur progressively through the plan period at an approximate rate of 2,390 square feet per year and 10,890 square feet per year, respectively. Expansion of the existing fire station and institutions, and approximately half of the community facilities and county offices will be constructed during year one. The remaining community facilities and expansion of county offices will likely be completed in year two of the Plan.

The interim wastewater treatment plants will be constructed in years five, six and seven of the Plan. FDOT would construct the US-1 three-laning project following completion

of the design phase, which is scheduled for 2004. Construction may be completed within the first seven years of the plan period. Issuance of permits for accessory uses and fences will occur at the time of request, for the purposes of the schedule permit issuance was averaged over the 20 years. Management of mitigation lands will be commensurate with land acquisition.

6.2 Funding

Monroe County will fund land acquisition and management under this HCP through existing funding mechanisms. Since 1986, the MCLA has been tasked with acquiring lands for the County in accordance with the Monroe County Comprehensive Plan Land Authority Ordinance (Ord. No. 31-1986, 1), and by s. 380.0661-380.0685, F.S., s. 125.0108, F.S. The MCLA was established to conduct land acquisition activities necessary to deal with property rights of small landowners, environmental protection, park and recreational space, affordable housing and public infrastructure should there be an environmental component. The MCLA provides a mechanism to “deal with the challenges of implementing comprehensive land use plans pursuant to the area of critical state concern program, which challenges are often complicated by the environmental sensitivity of such areas (and to provide) a stable funding source and the flexibility to address plan implementation innovatively and by acting as an intermediary between landowners and the governmental entities regulating land use” (Section 1-3, Rule 02-1991, MCLA).

Funding for the MCLA was initially supplied by recurring revenue from a Florida Department of Natural Resources park surcharge and one half cent of tourist impact tax revenue. The State Park surcharge (s. 380.0685, F.S.) is collected at a rate of 50 cents per person per day, or \$5 per annual family auto entrance permit, or \$2.50 per night per campsite, cabin, or other overnight recreational occupancy unit. Ninety-eight percent of this surcharge is provided to the MCLA for the purpose of land acquisition, ten percent of which may be used for administrative purposes. The tourist impact tax (s. 125.0108, F.S.) is collected as a 0.5 cent bed tax per \$1 lodging money on rentals with 6-month term or less, segregated by Area of Critical State Concern. Fifty percent of this tax is provided to the MCLA for the purpose of land acquisition, five percent of which may be used for administrative purposes.

Additional sources of revenue for the MCLA include grants from programs such as Preservation 2000. Since 1998 to 2001, contributions to MCLA revenue from the State have been to the amount of \$3,000,000 per year, with a total of \$14,793,174 provided since 1985 (FDEP 2001). These funds are being used by the MCLA to purchase lands for the Coupon Bight/Key Deer CARL project. Whereas funds generated by grants fluctuate, revenue produced by the state park surcharge is relatively constant. Funds from the tourist impact tax continue to increase with increasing numbers of tourists visiting the Keys. All revenue provided to the MCLA is deposited into an interest-bearing account for the purpose of land acquisition and program administration costs.

Table 6.1 provides a preliminary estimate of the costs for Plan implementation. This cost estimate assumes that management costs for mitigation lands purchased by the MCLA for the Coupon Bight/Key deer CARL project are not sustained by the County. Mitigation lands to be managed under the HCP include lands acquired in Tier 2 and Tier 3 areas. Administrative costs for land acquisition activities and reporting efforts will primarily constitute staff time and therefore are not shown in the estimate below.

Table 6.1. Estimated cost of the HCP

Item	Unit
Development impact (H)	1.0
Mitigation (H)	3.0
Estimated land value (based on average cost for lands totaling H=3.0)	\$6,185,000
Estimated number of acres (based on Tier 1 lands)	270
Annual management costs (based on \$1,000/acre)	\$270,000
20-year management	\$5,400,000
20-year monitoring (\$5,000/year)	\$100,000
Total estimated HCP cost (Raw Cost over 20 Years)	\$11,685,000

6.3 Permit Amendment Procedures

Modifications to the ITP would need to be made in the event that:

1. Modifications to the boundaries of the project area or the location of development activities;
2. Increases in the acreage of development activities;
3. The listing of a species protected under the Act which is not covered under the HCP and which would likely be taken as a result of covered development activities;
4. A change in the development action or land acquisition mitigation activities that would result in an increased take of one or more of the covered species; and
5. Changes which would result in significant adverse effects to the covered species or new effects to covered species that were not addressed in the HCP.

Amendments to the ITP will require a revised HCP, a permit application and application fee, a National Environmental Policy Act (NEPA) document and a 30-day public comment period. The USFWS must be consulted and concur on all proposed amendments. There are two types of proposed amendments:

- **Minor Amendments.** Minor amendments involve routine administrative revisions or changes to the operation and management program, which do not deplete the level or means of mitigation. Such minor amendments do not alter the terms of the Permit. Upon written request of the applicants, the USFWS is authorized to approve minor amendments to the HCP, if the amendment does not conflict with the purpose of the HCP as stated in Section 1.2.

- All Other Amendments. All other amendments will be considered an amendment to the ITP, and will be subject to any other procedural requirements of laws or regulations that may be applicable.

6.4 Permit Renewal

The ITP may be renewed prior to expiration if the biological conditions described in the HCP are not significantly different and no additional take of covered species is requested. In the event that renewal of the ITP is sought, the Applicants will submit a written request to the Service certifying that the provisions within the HCP and all subsequent amendments are valid. The request for renewal will also include a description of the portions of the project to be completed or development activities that would be covered under the ITP renewal period. The request for renewal must be submitted 30 days prior to the ITP's date of expiration.

The Service may renew the ITP if its findings are consistent with those detailed in the Applicant's request. Renewal procedures will be conducted in accordance with 50 CFR 13.22. Renewal of the ITP does not authorize an increase in take levels beyond those stated in the original HCP. All annual reports and reporting requirements must be completed prior to submittal of the request for renewal.